

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
LAREDO DIVISION

MANUEL R. FLORES

Plaintiff,

v.

THE STATE OF TEXAS, GREG
ABBOTT, In his Official Capacity as
Governor of Texas,
Defendants.

§
§
§
§
§
§
§
§

Civil Action No. 5:16-cv-130

INDEX OF DOCUMENTS FILED

The following documents from the state court action are attached for filing in this case:

1. 04.15.16 Plaintiff's Original Petition
2. 05.10.16 Citation issued for the State of Texas
3. 05.10.16 Citation issued for Greg Abbott
4. 05.10.16 Court setting for Calendar Call on 7/18/16
5. 05.19.16 Defendants' Original Answer
6. 05.27.16 Defendants' Notice of Filing of Removal in State Court
7. 05.27.16 Docket Sheet – Webb County District Court

Respectfully submitted,

KEN PAXTON
Attorney General of Texas

JEFFREY C. MATEER
First Assistant Attorney General

BRANTLEY STARR
Deputy First Assistant Attorney General

JAMES E. DAVIS
Deputy Attorney General for Civil Litigation

ANGELA V. COLMENERO
Division Chief, General Litigation Division

/s/ Adam N. Bitter
ADAM N. BITTER
Attorney-in-charge
Assistant Attorney General
Southern District ID No. 2167538
Tx. State Bar No. 24085070
Office of the Attorney General
General Litigation Division
P.O. Box 12548
Austin, Texas 78711-2548
Telephone: (512) 475-4651
Fax: (512) 320-0667
adam.bitter@texasattorneygeneral.gov

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing document has been filed and served via Certified U.S. Mail, and electronic mail on May 27, 2016 to:

Carlos R. Soltero
McGinnis, Lochridge & Kilgore, L.L.P.
600 Congress Avenue, Ste. 2100
Austin, Tx. 78701
csoltero@mcginnislaw.com
Attorneys for Plaintiff

/s/ Adam N. Bitter
ADAM N. BITTER
Assistant Attorney General

File
4/15/2016 2:00:13 P
Esther Degollar
District Cle
Webb Distri
Esmeralda Alvarac
2016CVQ000968C

CAUSE NO.

2016CV000968
9108-D3

MANUEL R. FLORES,
Plaintiff,

§
§
§
§
§
§
§
§
§

IN THE DISTRICT COURT OF

v.

WEBB COUNTY, TEXAS

THE STATE OF TEXAS, GREG
ABBOTT in his OFFICIAL
CAPACITY AS GOVERNOR OF
TEXAS
Defendants.

341st

JUDICIAL DISTRICT

PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE JUDGE:

Plaintiff Manuel R. Flores ("Flores") files this Petition to challenge the constitutionality of Section 423.002(a)(14) of the Texas Government Code and to protect and enforce his constitutional and other rights under the United States Constitution and the Texas Constitution, under the Declaratory Judgment Act (Tex. Civ. Prac. & Rem. Code Ch. 37), against the State of Texas, and Greg Abbott in his official capacity as Governor, and would show as follows:

Parties

1. Plaintiff Manuel R. Flores resides in Laredo, Webb County, Texas.
2. Defendant The State of Texas may be served through the Governor and the Attorney General.
3. Defendant Greg Abbott is currently the Governor of Texas. As an elected official, he is bound by oath to uphold the Constitution of the United States and the Texas Constitution and to act subject to constitutional constraints. Tex. Const. Art. I, § 1; Art. XVI, § 1. He is a party to this lawsuit in his official capacity as long as

he holds that office, and may be served at his office at 1100 San Jacinto, Austin, Texas 78701 and through the Attorney General at his office, 300 W. 15th Street, Austin, Texas 78701.

Discovery Plan

4. This case should follow a Level 3 discovery plan.
5. Flores seeks no damages at this time, merely declaratory relief.

Venue, Jurisdiction, and Waiver of Sovereign Immunity

6. Venue is proper in Webb County pursuant Tex. Civ. Prac. & Rem. Code §§ 15.002(a) and 15.017. The Court has jurisdiction pursuant to the Texas Constitution, the United States Constitution, and other applicable laws.
7. There has been clear and unequivocal waiver of sovereign immunity. *See e.g., Patel v. Texas Dept. of Licensing & Regulation*, 469 S.W.3d 69, 75-76 (Tex. 2015) (sovereign immunity is inapplicable when a suit challenges the constitutionality of a statute and seeks only equitable relief).

Background

8. In 2015, the Texas Legislature passed several bills that Defendant Abbott signed into law Effective September 2015 pertaining to regulations of unmanned aircraft systems (UAS) sometimes known as drones.
9. Texas' Legislature has been at the forefront of addressing issues raised by UAS and several Texas laws were enacted effective September 2015 including pertaining to the capturing of images taken from drones. The Legislature set out very specific and clear guidelines regarding the "who, what, where, and how high"

taking into account governmental functions, oil and gas and utility infrastructure issues, as well as expressly authorized uses for academics, surveyors, and engineers, to mention only some of the most prominent ones.

10. However, the portion of the statute challenged by this lawsuit, Section 423.002(a)(14) of the Texas Government Code allows the unfettered acquisition of drone-captured imagery “of real property or a person on real property that is within 25 miles of the United States border.”

11. Laredo has approximately a quarter of a million residents including Flores who reside within 25 miles of the border. Considering over 650,000 people living in the El Paso area, many in Eagle Pass and Del Rio, and many more in the Valley and other border towns, perhaps 1 million Texans are being treated categorically different from those living in the rest of the State.

12. Research has revealed no discussion or legislative history explaining or justifying this patently unequal treatment. Perhaps the Legislature wanted people with drones to be able to monitor the Border Patrol’s movements to ensure proper discharge of their duties enforcing the laws or the efforts of those (whether it be people or drugs from Mexico into Texas or firearms or cash into Mexico). If anything, the blanket-free skies only along the artificial strip of lands 25 miles from the U.S.-Mexico border may end up serving to help those involved in illicit activities who can now apparently monitor law enforcement and other people on real property in this region with their own drones.

13. There appears to be no legitimate law enforcement purpose because Sections 423.002(a)(7)(8) and (9) give the government the right to take pictures or capture other footage of Texans everywhere in the State including the border region. The United States Military and FAA operations are covered by Sections 423.002(a)(3) and (2) of the Texas statute respectively.

14. Defendants Texas and Abbott cannot justify Section 423.002(a)(14) of the Texas Government Code based on some State “immigration policy” because the law is clear that the Federal Government is preeminent in the area of immigration and that basis would be contrary to the Supremacy Clause of the United States Constitution. *Arizona v. United States*, 132 S. Ct. 2492 (2012). States cannot act unilaterally in a manner that is contrary to the policies of the Federal Government which include, of course, the United States Constitution.

15. Without any expressed reason provided--much less a compelling or rational one--it is difficult to understand why so many American citizens and residents, property owners, and others would be treated so radically different from other Texans.

16. Additionally, Webb County, like the other border counties is overwhelmingly (in the 90%+ range) comprised of individuals who are of Mexican-American national origin--like Flores. A law targeting these geographic areas for radically different treatment without any justification violates equal protection.

17. It appears that the Legislature has determined that the privacy of Texas residents of Mexican descent and national origin as well as others who live or have

property as far away as 25 miles from the border as being less important than those of other Texans or less worthy of protection from drone-taken images.

18. Strict scrutiny applies because the fundamental right of privacy under both constitutions is implicated and because the challenged law either intentionally or as a matter of disparate impact targets a “suspect” category, specifically including persons of Mexican ancestry. *Richards v. LULAC*, 868 S.W.2d 306, 312 n. 6 (Tex. 1993), citing *Hernandez v. Texas*, 347 U.S. 475, 478-79 (1954) and *Castaneda v. Partida*, 430 U.S. 482, 495 (1977).

19. Plaintiff Flores has resided in Webb County for decades throughout his life and currently does so. He has been a public servant and as deserving of having his privacy respected as anyone else in Texas. Conversely, those who fly drones and UAS and capture images with them should be able to do so as freely throughout the rest of the entire State of Texas as this statutory provision allows within the artificial strip of lands 25 miles from the U.S.-Mexico border.

20. Inexplicably, the Texas Legislature and Governor Abbott has chosen to make this artificial strip of lands 25 miles from the U.S.-Mexico border a playground for drone enthusiasts who would otherwise be precluded from filming people in their homes, washing their cars, gardening in their yard, or simply walking on their private property like Plaintiff Flores.

21. The Court should take judicial notice that Flores’ home in Laredo is less than 25 miles from the United States border.

22. Flores, as permitted by Tex. R. Civ. P. 48, pleads its claims in the alternative.

23. By signing the bill into law, Abbott has acted without legal authority, as that term is understood, in connection with the issues in this lawsuit, and thus Flores sues him in his official capacity not necessarily “to alter government policy but rather to enforce existing policy”, namely providing Flores and others the constitutional right to privacy and equal protection. *See e.g. City of El Paso v. Heinrich*, 284 S.W.3d 366, 372 (Tex. 2009).

Causes of Action--Declaratory Judgment Act (UDJA) claims.

24. Flores is entitled to declaratory relief and an injunction against Governor Abbott because in his actions towards Flores and all others who live within 25 miles of the U.S.-Mexico border, Section 423.002(a)(14) of the Texas Government Code violates the Constitution of the United States and the Texas Constitution.

25. Pleading more specifically, this statute is contrary to the Fourteenth Amendment’s Equal Protection Clause, the Supremacy Clause, and the constitutional Right to Privacy protected by the United States Constitution against arbitrary acts by the government.

26. Pleading more specifically, this statute is contrary to the guarantees of equal protection and the constitutional Right to Privacy protected by the Texas Constitution against arbitrary acts by the government.

27. Flores seeks the following declarations, pursuant to Tex. Civ. Prac. & Rem. Code Ch. 37:

- that Section 423.002(a)(14) of the Texas Government Code facially violates the U.S. Constitution and the Texas Constitution;

- that Section 423.002(a)(14) of the Texas Government Code has a disparate impact on persons of Mexican national origin and ancestry that violates the U.S. Constitution and the Texas Constitution; and/or
- that the acts of Defendants violate Flores' constitutional rights.

Request for Relief

For these reasons, Flores requests that the Court declare that:

- (1) Section 423.002(a)(14) of the Texas Government Code is unconstitutional and contrary to the U.S. Constitution and the Texas Constitution;
- (2) Defendants have violated Flores' constitutional rights;
- (3) Flores recover his costs; and
- (4) Flores recover all other just relief at law or in equity.

Respectfully submitted,

MCGINNIS, LOCHRIDGE & KILGORE, L.L.P.

By: _____

Carlos R. Soltero
State Bar No. 0791702
600 Congress Avenue, Suite 2100
Austin, Texas 78701
Phone: (512) 495-6033
Fax: (512) 495-6093
csoltero@mcginnislaw.com

ATTORNEYS FOR PLAINTIFF

*General Counsel
Cat: Legal
M: Law
Note: Original hand-delivered
to C.C. 5-13-16.*

RECEIVED

MAY 13 2016

OOG/CCOM

CITATION BY CERTIFIED MAIL
THE STATE OF TEXAS

COURT DATE 07/18/2016@1:30PM

RECEIVED

2016CVQ000968 D MAY 13 2016

GENERAL COUNSEL

NOTICE TO THE DEFENDANT: "YOU HAVE BEEN SUED. YOU MAY EMPLOY AN ATTORNEY. IF YOU OR YOUR ATTORNEY DO NOT FILE A WRITTEN ANSWER WITH THE CLERK WHO ISSUED THIS CITATION BY 10:00 A.M. ON THE MONDAY NEXT FOLLOWING THE EXPIRATION OF TWENTY DAYS AFTER YOU WERE SERVED THIS CITATION AND PETITION, A DEFAULT JUDGMENT MAY BE TAKEN AGAINST YOU."

TO: GREG ABBOTT
1100 SAN JACINTO
AUSTIN, TX 78701

DEFENDANT, IN THE HEREINAFTER STYLED AND NUMBERED CAUSE, YOU ARE HEREBY COMMANDED TO APPEAR BEFORE THE 341ST DISTRICT COURT of Webb County, Texas, to be held at the said courthouse of said county in the city of Laredo, Webb County, Texas, by filing a written answer to the Petition of Plaintiff at or before 10:00 O'CLOCK A.M. of the Monday next after the expiration of 20 days after the date of service thereof, a copy of which accompanies this citation, in the Cause #: 2016CVQ000968 D3 , styled:

MANUEL R FLORES, PLAINTIFF
VS.

GREG ABBOTT, THE STATE OF TEXAS, GREG ABBOTT IN HIS OFFICIAL CAPACITY AS
GOVERNOR OF TEXAS DEFENDANT

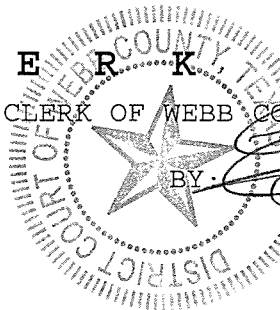
Said Plaintiff's Petition was filed on 04/15/2016 in said court by:

CARLOS R SOLTERO, (ATTORNEY FOR PLAINTIFF)
600 CONGRESS AVE
AUSTIN, TX 78701

WITNESS ESTHER DEGOLLADO, DISTRICT CLERK OF WEBB COUNTY, TEXAS, issued and given under my hand and seal of said court at office, this 10 day of May, 2016.

C L E R K O F C O U R T

ESTHER DEGOLLADO, CLERK OF WEBB COUNTY, TEXAS
P.O. BOX 667
LAREDO, TX 78042



BY:

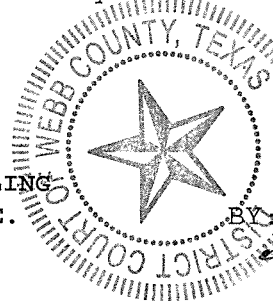
ESMERALDA ALVARADO

DEPUTY

CLERK'S CERTIFICATE OF SERVICE

I, Clerk of the District Courts and County Court at Law of Webb County, Texas, certify that I executed the foregoing citation in Webb County, Texas on this 10 day of May, 2016, by placing in the United States mail a true copy of this citation, with true copy of the aforesaid Pleading attached thereto, via Certified Mail No.7014-0510-0000-1440-6885 ADDRESSED TO: GREG ABBOTT, 1100 SAN JACINTO, AUSTIN, TX 78701, and endorsed thereon "RETURN RECEIPT REQUESTED," after having first endorsed on said copy of said citation the date of mailing and the name and address of the within-named recipient, to certify which witness my hand officially this 10 day of May, 2016.

ATTACH EVIDENCE OF MAILING
AND RETURN RECEIPT HERE.



ESTHER DEGOLLADO
CLERK OF THE DISTRICT COURTS AND
COUNTY COURT-AT-LAW
OF WEBB COUNTY, TEXAS

ESMERALDA ALVARADO

DEPUTY

SERVE

2016CVQ000968 D3

CITATION BY CERTIFIED MAIL
THE STATE OF TEXAS

COURT DATE 07/18/2016@1:30PM

NOTICE TO THE DEFENDANT: "YOU HAVE BEEN SUED. YOU MAY EMPLOY AN ATTORNEY. IF YOU OR YOUR ATTORNEY DO NOT FILE A WRITTEN ANSWER WITH THE CLERK WHO ISSUED THIS CITATION BY 10:00 A.M. ON THE MONDAY NEXT FOLLOWING THE EXPIRATION OF TWENTY DAYS AFTER YOU WERE SERVED THIS CITATION AND PETITION, A DEFAULT JUDGMENT MAY BE TAKEN AGAINST YOU."

TO: THE STATE OF TEXAS BY SERVING THE GOVERNOR AND THE ATTORNEY GENERAL
300 W 15TH STREET
AUSTIN, TX 78701

DEFENDANT, IN THE HEREINAFTER STYLED AND NUMBERED CAUSE, YOU ARE HEREBY COMMANDED TO APPEAR BEFORE THE 341ST DISTRICT COURT of Webb County, Texas, to be held at the said courthouse of said county in the city of Laredo, Webb County, Texas, by filing a written answer to the Petition of Plaintiff at or before 10:00 O'CLOCK A.M. of the Monday next after the expiration of 20 days after the date of service thereof, a copy of which accompanies this citation, in the Cause #: 2016CVQ000968 D3 , styled:

MANUEL R FLORES, PLAINTIFF

VS.

THE STATE OF TEXAS, GREG ABBOTT IN HIS OFFICIAL CAPACITY AS GOVERNOR OF
TEXAS DEFENDANT

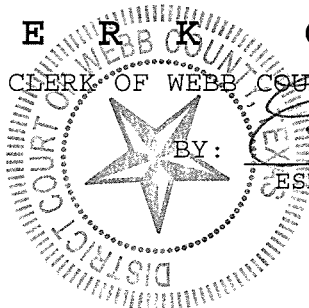
Said Plaintiff's Petition was filed on 04/15/2016 in said court by:

CARLOS R SOLTERO, (ATTORNEY FOR PLAINTIFF)
600 CONGRESS AVE
AUSTIN, TX 78701

WITNESS ESTHER DEGOLLADO, DISTRICT CLERK OF WEBB COUNTY, TEXAS, issued and given under my hand and seal of said court at office, this 10 day of May, 2016.

C L E R K O F C O U R T

ESTHER DEGOLLADO, CLERK OF WEBB COUNTY, TEXAS
P.O. BOX 667
LAREDO, TX 78042



BY:

ESMERALDA ALVARADO

DEPUTY

CLERK'S CERTIFICATE OF SERVICE

I, Clerk of the District Courts and County Court at Law of Webb County, Texas, certify that I executed the foregoing citation in Webb County, Texas on this 10 day of May, 2016, by placing in the United States mail a true copy of this citation, with true copy of the aforesaid Pleading attached thereto, via Certified Mail No.7014-0510-0000-1440-6878 ADDRESSED TO: THE STATE OF TEXAS, 300 W 15TH STREET, AUSTIN, TX 78701, and endorsed thereon "RETURN RECEIPT REQUESTED," after having first endorsed on said copy of said citation the date of mailing and the name and address of the within-named recipient, to certify which witness my hand officially this 10 day of May, 2016.

ATTACH EVIDENCE OF MAILING
AND RETURN RECEIPT HERE.



ESTHER DEGOLLADO
CLERK OF THE DISTRICT COURTS AND
COUNTY COURT-AT-LAW
OF WEBB COUNTY, TEXAS

BY:


ESMERALDA ALVARADO

DEPUTY

**HONORABLE BECKIE PALOMO****State District Court Judge**341st JUDICIAL DISTRICT OF TEXAS

WEBB COUNTY JUSTICE CENTER

1110 Victoria Street, Suite 302

Laredo, Texas 78040-4439

CIVIL CASE – CALENDAR CALL SETTINGSRE: CAUSE NO: 2016CVQ000968 D3STYLE: MANUEL R FLORES

VS

THE STATE OF TEXAS

NOTICE that this case IS **SET FOR CALENDAR CALL** on 07/18/2016,
at 1:30 PM at the 341st District Courtroom, 3rd Floor, Webb County Justice Center.

Calendar Call hearings will be in open Court and on the record before **JUDGE BECKIE PALOMO**.
Your presence is **MANDATORY** unless Counsel for Plaintiff(s) file a Joint Pre-Trial Guideline Order
(PTGO) with all counsels signatures on the PTGO.

You may download the PTGO at our website:

http://www.webbcountytx.gov/DC341st/Links/civ_Jury%20PTGO.pdf

Counsel for Plaintiff(s): if you do not appear for calendar call, your case may be dismissed for lack of prosecution.

Counsel for Defendant(s): if you do not appear for calendar call, a pre-trial guideline order may be
entered with or without your approval and/or signature.

Call the court for jury selection dates and pre-trial hearing dates. Keep in mind jury selection must be set
within the timeframes recommended by the Texas Supreme Court.

If there are any questions regarding this matter please feel free to call the court at the number below.

A handwritten signature in black ink, appearing to read "Magdalena Martinez".

Magdalena Martinez
Civil Court Coordinator
(956)523-4328

DC:

A handwritten signature in black ink, appearing to be a stylized "DC" followed by a flourish.

CAUSE NO. 2016CVQ000968D3

MANUEL R. FLORES,	§	IN THE DISTRICT COURT
<i>Plaintiff,</i>	§	
	§	
v.	§	WEBB COUNTY, TEXAS
	§	
THE STATE OF TEXAS, GREG ABBOTT	§	
In his Official Capacity as Governor of	§	
Texas,	§	
<i>Defendants.</i>	§	341 ST JUDICIAL DISTRICT

**DEFENDANTS' ORIGINAL ANSWER AND AFFIRMATIVE DEFENSES TO
PLAINTIFF'S ORIGINAL PETITION**

Defendants the State of Texas and Greg Abbott, in his official capacity as Governor of Texas, file this Original Answer and Affirmative Defenses to Plaintiff's Original Petition, and would respectfully show the Court as follows:

**I.
ORIGINAL ANSWER**

Defendants assert a general denial as authorized by Rule 92 of the Texas Rules of Civil Procedure to the allegations contained in Plaintiff's Original Petition, and demand that the Plaintiff prove such allegations by a preponderance of the credible evidence as required by law.

**II.
AFFIRMATIVE DEFENSES**

Defendants assert the following affirmative defenses to the claims raised in Plaintiff's Original Petition:

1. Defendants assert the defense of sovereign immunity to any and all claims against them to which that defense may apply.

2. Defendants assert the affirmative defense of limitations for any claims outside the applicable limitations period.

3. Defendants reserve the right to allege additional affirmative defenses as those defenses become known.

III.
PRAYER

Defendants request judgment of the Court that Plaintiff take nothing by this suit and that Defendants recover all costs and such other and further relief to which they may be justly entitled.

Respectfully submitted,

KEN PAXTON
Attorney General of Texas

JEFFREY C. MATEER
First Assistant Attorney General

BRANTLEY STARR
Deputy First Assistant Attorney General

JAMES E. DAVIS
Deputy Attorney General for Civil Litigation

ANGELA V. COLMENERO
Division Chief, General Litigation Division

/s/ Adam N. Bitter
ADAM N. BITTER
Assistant Attorney General
Tx. State Bar No. 24085070
Office of the Attorney General
General Litigation Division
P.O. Box 12548
Austin, Texas 78711-2548
Telephone: (512) 475-4651
Fax: (512) 320-0667
adam.bitter@texasattorneygeneral.gov

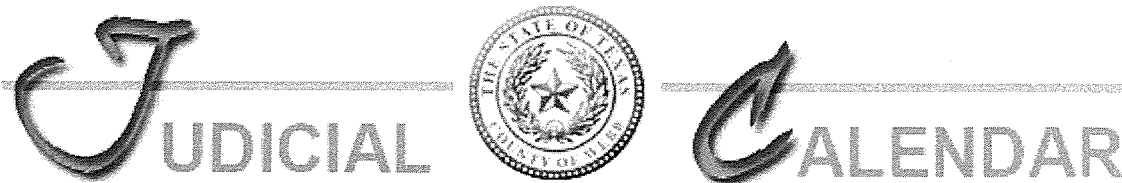
Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of May, 2016, a true and correct copy of the foregoing *Defendants' Original Answer and Affirmative Defenses to Plaintiff's Original Petition* has been served on the following via eFileTexas.gov service and/or electronic mail as indicated below:

Carlos R. Soltero
McGinnis, Lochridge & Kilgore, L.L.P.
600 Congress Avenue, Suite 2100
Austin, Texas 78701
csoltero@mcginnislaw.com
Attorneys for Plaintiff

/s/ Adam N. Bitter
ADAM N. BITTER
Assistant Attorney General



As of 5/27/2016 10:03:49 AM

Case # 2016CVQ000968 D3**Manuel R Flores vs. The State of Texas, Greg Abbott****Type:** Other Civil**Date Filed:** 4/15/2016 12:00:00 AM**Court:** 341st District Court**Complaint:** Other Civil**Party Information**

Name	Affiliation
Manuel R Flores	Plaintiff
The State of Texas	Defendant
Greg Abbott	Defendant

Attorney Information

Name	Affiliation
Adam Bitter	Attorney for Defendant
Adam Bitter	Attorney for Defendant
Carlos R Soltero	Attorney for Plaintiff

Court Dates

Date	Description	Status
7/18/2016 1:30:00 PM	Calendar Call	Open

Activity

Date	Type	Description
5/19/2016 1:29:41 PM	Answer	*IMG* DEFENDANTS' ORIGINAL ANSWER AND AFFIRMATIVE DEFENSES TO PLAINTIFF'S ORIGINAL PETITION (FILED BY ATTORNEY ADAM BITTER). EJC
5/17/2016 9:40:59 AM	Returns	*IMG* CERTIFIED MAIL RETURN EXECUTED AS TO THE STATE OF TEXAS BY SERVING THE GOVERNOR AND THE ATTORNEY GENERAL. (DOS 5/13/16). SL
5/17/2016 9:10:29 AM	Returns	*IMG* CERTIFIED MAIL RETURN EXECUTED AS TO GREG ABBOTT. (DOS 5/13/16) SL
5/10/2016 9:31:15 AM	Notes	*IMG*CALENDAR CALL FAXED TO ATTORNEY

Activity

Date	Type	Description
5/10/2016 9:19:55 AM	Issuance	*IMG*FOUR CITATIONS ISSUED BY RRR
4/18/2016 9:19:26 AM	Court Case Assignment	Court date/time: 7/18/2016 13:30 Hearing Type: 17 Clnr Call Assignment of court date/time. Status entered as Open
4/15/2016 4:18:59 PM	Filing Papers	*IMG* LETTER FROM MCGINNIS LOCHRIDGE DATED 4/15/16 (RE: PAYMENT FOR COPIES OF ORIGINAL PETITION). EJC
4/15/2016 2:45:46 PM	Complaint	*IMG*OTHER CIVIL
4/15/2016 2:45:46 PM	Case Status	Case Status entered as ACTV. Case Status ACTV: Active For THE STATE OF TEXAS

For more information, please contact the Webb County District Clerks (956-523-4268) or County Clerks (956-523-4266) office.



CAUSE NO. 2016CVQ000968D3

MANUEL R. FLORES	§	IN THE DISTRICT COURT OF
<i>Plaintiff,</i>	§	
	§	
v.	§	WEBB COUNTY, TEXAS
	§	
THE STATE OF TEXAS, GREG	§	
ABBOTT, In his Official Capacity as	§	
Governor of Texas,	§	
<i>Defendants.</i>	§	341 st JUDICIAL DISTRICT

DEFENDANTS' NOTICE OF FILING OF REMOVAL

TO: Esther Degollado, District Clerk, Webb County District Court, 1110 Victoria Street, Ste. 203, Laredo, Texas 78040.

Pursuant to 28 U.S.C. § 1446(d), you are hereby given notice that on May 27, 2016 Defendants, the State of Texas, and Greg Abbott, in his official capacity as Governor of Texas, will file their Notice of Removal in the United States District Court for the Southern District of Texas, Laredo Division, thereby removing this cause to the United States District Court. This Court is respectfully requested to proceed no further in this action, unless and until such time as the action may be remanded by order of the United States District Court.

Respectfully submitted,

KEN PAXTON
Attorney General of Texas

JEFFREY C. MATEER
First Assistant Attorney General

BRANTLEY STARR
Deputy First Assistant Attorney General

JAMES E. DAVIS
Deputy Attorney General for Civil Litigation

ANGELA V. COLMENERO
Division Chief, General Litigation Division

/s/ Adam N. Bitter
ADAM N. BITTER
Assistant Attorney General
Tx. State Bar No. 24085070
Office of the Attorney General
General Litigation Division
P.O. Box 12548
Austin, Texas 78711-2548
Telephone: (512) 475-4651
Fax: (512) 320-0667
adam.bitter@texasattorneygeneral.gov

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing document has been filed and served via Electronic Filing on May 27, 2016 to:

Carlos R. Soltero
McGinnis, Lochridge & Kilgore, L.L.P.
600 Congress Avenue, Ste. 2100
Austin, Tx. 78701
csoltero@mcginnislaw.com
Attorneys for Plaintiff

/s/ Adam N. Bitter
ADAM N. BITTER
Assistant Attorney General